

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay C. Pershing *et al.*

Serial No.: 10/780,151

Filed: February 17, 2004

Group Art Unit: 1616

Examiner: Kristie Latrice Brooks

Confirmation No. 1272

Attorney Docket No.: 11000023-  
2319/MONS:155US

For: COMPOSITIONS AND METHODS FOR  
DEPLOYING A TRANSGENIC REFUGE  
AS A SEED BLEND

CERTIFICATE OF ELECTRONIC FILING  
37 C.F.R. § 1.8

I certify that this correspondence is being electronically filed  
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December 31, 2007  
Date

/Robert E. Hanson/  
Robert E. Hanson

**Mail Stop Amendment**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner:

This paper is submitted in response to the Restriction Requirement mailed on November 1, 2007, for which the date to respond is January 1, 2008 in view of the enclosed extension of time and fees.

In response to the further election requirement which the Examiner imposed for claim 15, Applicants elect without traverse species b), a first transgenic crop seed treated with a seed treatment. In response to the further election requirement which the Examiner imposed for claim 16, Applicants elect without traverse species b), a refuge seed treated with a seed treatment. All of the claims under consideration read upon the elected species.

Applicants note that claims 13 and 14 are generic to claims 15 and 16. Rejoinder and consideration of all of the restricted subject matter is therefore respectfully requested upon the allowability of a generic claim pursuant to MPEP §821.04(a).

Applicants believe that this paper is fully responsive to the species election requirement. The Examiner is invited to contact the undersigned attorney at (214)259-0931 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

/Robert E. Hanson/

Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicants

Sonnenschein Nath & Rosenthal LLP  
1717 Main Street, Suite 3400  
Dallas, TX 75201

Date: December 31, 2007